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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MAHA ASKAR, an individual on behalf of herself
and others similarly situated,

Plaintiff,

v.

HEALTH PROVIDERS CHOICE, INC.; and
DOES 1 to 10 inclusive,

Defendants.

Case No. 5:19-CV-06125-BLF

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 4, 2021
Time: 9:00 a.m.
Location: Courtroom 3
(San Jose Courthouse)

**NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on March 4, 2021 at 9:00 a.m. in Courtroom 3 of the San Jose Courthouse for the United States District Court for the Northern District of California, located at 280 South 1st Street, San Jose, CA 95113, the Honorable Beth Labson Freeman presiding, Plaintiff Deborah Maha Askar (“Plaintiff”) will and hereby does move for entry of an Order:

1. Preliminarily approving the terms of the Joint Stipulation and Class Action Settlement Agreement (“Settlement”) – which is submitted concurrently herewith as Exhibit 2 to the Compendium of Evidence – as fair, reasonable, and adequate;

2. Conditionally certifying the following proposed class (hereafter “Settlement Class”) for purposes of the Settlement only:

All non-exempt hourly employees employed by Health Providers Choice, Inc. in California at any time from September 26, 2015 through the date the Court enters an order granting preliminary approval of the Settlement who worked one or more workweeks in which they were paid overtime and received per diem pay and/or a monetary bonus;

3. Appointing Plaintiff as representative of the Settlement Class;

4. Appointing Hayes Pawlenko LLP as class counsel for the Settlement Class;

5. Approving the manner and content of the notice of settlement prescribed by the Settlement as constituting the best notice practicable under the circumstances and in compliance with the requirements of due process;

6. Appointing Phoenix Class Action Administration Solutions as the settlement administrator, preliminarily approving settlement administration costs of up to \$3,500, and directing the settlement administrator to disseminate notice in accordance with the Settlement; and

7. Scheduling a final fairness hearing on the question of whether the proposed Settlement should be finally approved.

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1 The motion is unopposed by Defendant and will be based on this Notice, the
2 Memorandum of Points & Authorities filed concurrently herewith, the Compendium of Evidence
3 filed concurrently herewith, the records on file in this action, and any additional arguments or
4 evidence presented to the Court in advance of the hearing.

5 DATED: December 22, 2020

HAYES PAWLENKO LLP

6 By: /s/Matthew B. Hayes
7 Matthew B. Hayes
8 Kye D. Pawlenko
9 Attorneys for Plaintiff
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**NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**